

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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STEPHON LINDSAY, #207044,

Plaintiff,

v.

RICHARD ALLEN, et al.,

Defendants.

* CRA P. HACKETT, CL.
* U.S. DISTRICT COURT
* MIDDLE DISTRICT ALA

*

* CIVIL ACTION NO: 2:07-CV-399-MHT
* [WC]

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PLAINTIFF'S REQUEST FOR EXTENSION OF TIME (ENLARGEMENT)
SECOND REQUEST

Comes now the Plaintiff, pro se, and humbly and respectfully petitions this Court for the indulgence of a second enlargement of time in order to serve Defendant Nurse Ethen. Plaintiff requests that this Court allow up to and including the 8th day of September, 2007, which is the final day of the 120 day time frame set out in Federal Rules of Civil Procedure, Rule 4(m). Plaintiff is, with all due respect, unable to comply with the serving of this alleged Defendant Nurse Ethen at this time. Plaintiff further asks that this Court consider the following as grounds for said second enlargement:

1.) Plaintiff is still in the process of attempting to determine the whereabouts of said Defendant. Currently, he has inquiries pending to the Alabama Board of Nursing and other state agencies relating to the issuance of licenses for nurses. To date, he has received no answer from these agencies.

2.) Per this Court's Order dated August 7th, 2007, the information requested in that Order should shed some light on the whereabouts of Nurse Ethen. The Medical Defendants have until August 22nd, 2007 to provide that information.

With all due respect, Plaintiff humbly asks this Court to enter an Order for a further enlargement of time up to and including September 8, 2007.

With all due respect, and again begging this Court's indulgence, Plaintiff further requests that he be allowed to clarify a few of the named Defendants. Per the initial §1983 filing, and in all documents since, the Plaintiff has listed a Jane Doe, Nurse and a John Doe, Investigator for the Intelligence and Investigations Division of ADOC. Plaintiff now has the true identity of the Unknown John Doe ADOC, Investigations and Intelligence Division (I/I), African-American male, 45-55 years of age, glasses. He is Errick Demus, Investigator, ADOC Investigations and Intelligence Division. His address is Alabama Criminal Justice Center, 301 South Ripley St., P.O. Box 301501, Montgomery, AL, 36130-1501. He is employed by the Alabama Department of Corrections. Plaintiff asks that he be served and included in the list of Defendants for ADOC and that he is sued in his individual and official capacity.

Secondly, (and surely trying this Honorable Court's patience, and apologizing for doing so), this Plaintiff asks that the following nurses be added as Medical Defendants due to them being personally involved in the events of January 8th, 2007, from which this §1983 claim stems. They are:

J. Robbins, Nurse Bullock County Correctional Facility
 S. Robert, RN Bullock County Correctional Facility

Plaintiff has learned of their identities through some of the medical records entered as a part of the Special Report and Answer of the Medical Defendants. It is also Plaintiff's contention that the Medical Defendants have known of the personal involvement of these two nurses in the events of January 8th, 2007, from the start but have been purposely deceptive in not bringing them to light. These two persons are employed by the inmate medical care provider,

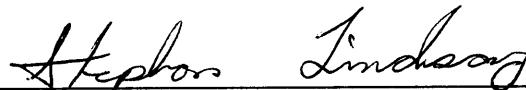
Prison Health Services, Inc., at Bullock County Correctional Facility infirmary, P.O. Box 5107, Union Springs, AL, 36089, as nurses.

Finally, on the Consent to the Exercise of Jurisdiction by a United States Magistrate Judge form that was signed by the Plaintiff on July 27th, 2007, and also signed by the Defendants, there are some correctional officers that signed off that do not need to be a part of the proceedings and were not intended to be included as Defendants by this Plaintiff. They are: Lasonja Haynes, who the Plaintiff hereby releases from involvement due to the fact that other than Medical Defendants, there are no female Defendants. Further, if the ADOC Defendants will name the Streeter, either Eddie or Cedric, that was involved in the January 8th, 2007 incident, then Plaintiff will release the other. There was only one of the officers named Streeter involved in the incident that is the reason for the §1983 complaint, but Plaintiff does not know the first name of that person. This is the officer erroneously named as "Screecher" in the initial complaint and since. The Defendant misidentified as "Hanes" by this Plaintiff is in fact Edward Haynes, Correctional Officer at Bullock County Correctional Facility.

Plaintiff thanks this Honorable Court for their patience in allowing him to make the needed corrections and to be allowed to extend the time frame for identifying Defendant Nurse Ethen. He in no way is intentionally trying to stall or drag out these proceedings, he simply wishes to make sure he has the proper persons that violated his civil rights in this §1983 complaint named in order to avoid confusion and to lend clarity to these proceedings.

WHEREFORE, these premises considered, Plaintiff prays this Honorable Court will grant an extension of time up to and including the 8th day of September, 2007, for the purpose of properly identifying the Defendant currently named Nurse Ethen.

Respectfully submitted on this 14th day of August, 2007.



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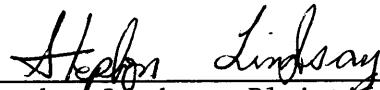
CERTIFICATE OF SERVICE

I, Stephon Lindsay, hereby certify that I have served a copy of the foregoing Second Motion for Extension of Time on the below listed Defendants by placing a copy of the same in the U.S. Mail postage prepaid on this the 14th day of August, 2007.

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